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November 15, 2004

Honorable Vernon A. Williams Secretary Surface Transportation Board Washington, DC 20423

2/2535

**RE:** Finance Docket No. 34335, Keokuk Junction Railway Company.—Feeder Railroad Development Application—Line of Toledo, Peoria and Western Railway Corporation between La Harpe and Hollis, IL

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of the Toledo, Peoria and Western Railway Corporation Petition for Extension of Time to file Petition for Reconsideration and three diskettes.

Please time and date stamp the extra copies of this letter and the Petition and return them with our messenger. Thank you for your assistance. If you have any questions, please contact me.

Louis E. Gitomer

Attorney for: Toledo, Peoria and Western

Railway Corporation

Enclosures

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# ORIGINAL

## BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. 34335 2/2535

KEOKUK JUNCTION RAILWAY COMPANY—FEEDER RAILROAD DEVELOPMENT APPLICATION—LINE OF TOLEDO, PEORIA & WESTERN RAILWAY CORPORATION BETWEEN LA HARPE AND HOLLIS, IL

PETITION FOR EXTENSION OF TIME TO FILE PETITION FOR RECONSIDERATION

#### **EXPEDITED HANDLING REQUESTED**

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Gary A. Laakso, Esq. Vice President Regulatory Counsel RailAmerica, Inc. 5300 Broken Sound Boulevard N.W. Second Floor Boca Raton, FL 33487 (561) 994-6015 Louis E. Gitomer, Esq. Of Counsel BALL JANIK LLP 1455 F Street, N.W., Suite 225 Washington, D.C. 20005 (202) 638-3307

Attorneys for: TOLEDO, PEORIA AND WESTERN RAILWAY CORPORATION

Dated: November 15, 2004

## BEFORE THE SURFACE TRANSPORTATION BOARD

| Finance Docket No. 34335 |
|--------------------------|
|                          |

KEOKUK JUNCTION RAILWAY COMPANY—FEEDER RAILROAD DEVELOPMENT APPLICATION—LINE OF TOLEDO, PEORIA & WESTERN RAILWAY CORPORATION BETWEEN LA HARPE AND HOLLIS, IL

#### PETITION FOR EXTENSION OF TIME TO FILE PETITION FOR RECONSIDERATION

The Toledo, Peoria and Western Railway Corporation ("TP&W") respectfully petitions the Surface Transportation Board (the "Board") pursuant to 49 C.F.R. § 1115.3(e) for an extension of 20 days until December 7, 2004 to file a Petition for Reconsideration to the Decision served on October 28, 2004 in the above-entitled proceeding (the "Sale Decision"). TP&W respectfully requests that the Board expedite the handling of this extension request because the Petition for Reconsideration is due on November 17, 2004.

TP&W requests the additional time in order for the experts in Illinois real estate law that it has engaged, to be able to complete their review of the *Sale Decision* and evidence presented by the Keokuk Junction Railway Company ("KJRY") concerning the title to the real estate and valuation of the real estate. Due to prior commitments and the short time available to prepare the Petition for Reconsideration, these experts have not been able to commit the time necessary to complete their review and analysis of this important issue. In addition, TP&W must consider the impact of the highly confidential filing made by a potential shipper late on Friday November 12, 2004 in the response to TP&W's Petition for Stay.

TP&W has contacted KJRY's counsel and KJRY has indicated that it opposes the extension request.

TP&W respectfully requests the Board to expeditiously grant an extension until

December 7, 2004 to file its Petition for Reconsideration.

Gary A. Laakso, Esq. Vice President Regulatory Counsel RailAmerica, Inc. 5300 Broken Sound Boulevard N.W. Second Floor

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Respectfully Submitted,

Louis E. Gitomer, Esq.

Of Counsel

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(202) 638-3307

Attorneys for: TOLEDO, PEORIA AND WESTERN RAILWAY CORPORATION

Dated: November 15, 2004

### **CERTIFICATE OF SERVICE**

I certify that I have this day served copies of this Petition for Extension of Time to File Petition for Reconsideration upon all parties of record in this proceeding, by hand delivery.

Jouis E. Gitomer November 15, 2004